

## REMARKS

Claims 1, 2, 11, 12, and 19-23 were rejected under 35 U.S.C. 102(b) as being anticipated by Staal et al (U.S. Patent No. 6,109,012). This rejection is respectfully traversed.

Claims 1 and 11 are hereby amended to clarify the relationship between the outer end of the outer wing section and the inner end of the inner wing section. Clearly, Staal et al. disclose the folding of the frame beam portion (32) over the common frame beam portion (31). Hence, the outer end of the outer wing section becomes disposed more rearward than the inner end of the outer wing section, and hence, closer to the inner end of the inner wing section.

Regarding claims 19–23, claim 19 recites the limitations: “...all the sections lying substantially linearly...” and “the at least three wing sections lie substantially parallel to the tongue and substantially linearly.” Because the frame beam portion (32) disclosed by Staal et al. folds back over the common frame beam portion (31), the included angle being approximately 360°, Staal did not disclose “at least three wing sections [lying]...substantially linearly.” In *no case* would one of ordinary skill consider links with an included angle of 360° to be “substantially linear.”

Claims 3, 4, 5, 6, 7, 8, 13, 14, 15, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Staal et al. in view of Vincent (U.S. Patent No. 3,880,241). This rejection is respectfully traversed.

Regarding claims 3, 4, 13, and 14, according to the Office Action: “It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Staal to include ground engaging wheels on the inner wing section and outer wing section as taught by Vincent, since Vincent states in column 3, lines 35-40 that the wheels (28, 32) support the entire implement including the central section (14) and the wing section (16) when the sections are in the work performing position.” However, no such motivation was suggested by Staal et al. Further, this teaching goes against the teachings of Staal et al. That is, there was no motivation for ground engaging wheels to support the implement of Staal et al. as the implement of Staal et al. was clearly self supporting. Specifically, Staal et al. write: “During operation, the running wheels are capable of resiliently supporting the machine, to which end hydraulic piston and cylinder element 38 is capable of being adjusted into an unloaded position. However, by means of hydraulic piston and cylinder element 38, the machine can be lifted

relative to wheels 37 for the purpose of adjusting the machine into the transport position.” (Col. 4 lines 22–28.) Staal et al. included, in their design, supportive components and geometry so that wheels were unnecessary on the inner wing sections and outer wing sections. Hence, it would have been unduly expensive, besides unnecessary, to include such ground engaging wheels. Therefore, it would clearly *not* have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Staal et al. to include ground engaging wheels on the inner and outer wing sections.

Regarding claims 5 and 6, according to the Office Action: “Staal discloses [*sic*] raising the frame beam portions (32) using the hydraulic piston and cylinder units (35) so that the portion (32) pivots over the common frame beam portion (31) before the hinges (34) and cylinders (36) is [*sic*] used to pivot the wings sections inward toward the frame beam (2).” It is respectfully submitted that the ground engaging wheels to which claims 5 and 6 are limited were undisclosed in Staal et al. Therefore, Staal et al. could not possibly have disclosed methods including: “raising the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators,” as in claim 5 and “raising the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators,” as in claim 6.

Regarding claims 7 and 8, the Office Action reads: “...Stall does [*sic*] disclose a pivotal connection (33) so that the frame beam portions (32) can pivot upwards and downwards. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Staal to include the step of lowering the pivot points between each of the wing sections relative to the wheels with the actuators therebetween when the wing sections lie parallel to the tongue, or the step of lowering the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie parallel to the tongue, since the wing sections of Staal are capable of being pivoted relative to the wheels, and therefore this step is capable of taking place when the wing sections lie parallel to the tongue.”

It is respectfully submitted that the existence of equipment to carry out a method does not constitute obviousness of a method not disclosed or suggested. Stall et al. do not suggest or disclose motivation for modifying their invention to include the step of lowering the pivot points between each of the wing sections relative to the wheels with the actuators therebetween when

the wing sections lie parallel to the tongue, or the step of lowering the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie parallel to the tongue. In fact, such a step would go against the express teachings of Staal et al. and would provide no value. The Staal et al. disclosure teaches away from the claimed method. Hence, it would *not* have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Staal to include the step of lowering the pivot points between each of the wing sections relative to the wheels with the actuators therebetween when the wing sections lie parallel to the tongue, and the step of lowering the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie parallel to the tongue.

Claims 9, 10, 17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Staal et al. and Vincent in further view of Adee (U.S. Patent No. 4,066,274). This rejection is respectfully traversed.

According to the Office Action, “Adee teaches using a latch (52) on the tongue (10) adjacent hitch (12) to releasably retain the linkages (40) against the tongue (10), as illustrated best in Fig. 2.” Yet **Fig. 2 does not show the latch (52) retaining the linkages against the tongue.** The latch (52) is expressly *unused* in Fig. 2 of Adee. Fig. 1 of Adee shows the latch (52) in use retaining the linkages against the tongue. Clearly, the wing sections (40) are not “substantially parallel to the tongue” to which claims 9, 10, 17, and 18 are limited. Neither Staal et al. nor Vincent disclose a latch. The existence of a latch does not make claims 9, 10, 17, and 18 read on the combination of Staal et al., Vincent, and Adee. Neither teaching nor motivation was suggested to engage a latch to the tongue of the toolbar upon lower the pivot points between the wings sections when the wing sections lie substantially parallel to the tongue. Therefore, it would *not* have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Staal et al. “having the additional wheels of Vincent to include the step of engaging a latch to the tongue of the toolbar upon lowering the pivot points between each of the wing sections, or the step of engaging a latch to the tongue of the toolbar upon lowering the extreme end of the wing section, as taught by Adee, since Adee states in column 2, lines 22-28 that such a latch is used to releasably retain linkages against the tongue.”

Additionally, claims 2–10 depend on claim 1, claims 12–18 depend on claim 11, and claims 20–23 depend on claim 19. Because claims 1, 11, and 19 are assumed allowable, said dependent claims are also assumed allowable.

Applicant has now responded to two non-final Office Actions, a Final Office Action, filed an appeal brief, and now is responding to another non-final Office Action. In some of these Office Actions, un-amended claims have been rejected over previously un-cited prior art. This has, of course, been very costly to the Applicant.

Accordingly, because all remaining claims 1–23 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

Vaughn L. Bauer

April 10, 2006  
Date

By: Michael O. Sturm  
Michael O. Sturm  
Reg. No. 26,078

STURM & FIX LLP  
206 Sixth Avenue, Suite 1213  
Des Moines, Iowa 50309-4076  
Phone: 515-288-9589  
Fax: 515-288-4860